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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2009-2526

12 **ARTRESE LYNNISE MCKINLEY**
9305 Mesa Verde Drive, Apt. B
13 Montclair, CA 91763

A C C U S A T I O N

14 Vocational Nurse License No. VN 214104

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs.

22 2. On or about April 4, 2005, the Board of Vocational Nursing and Psychiatric
23 Technicians (Board) issued Vocational Nurse License No. VN 214104 to Artrese Lynnise
24 Mckinley (Respondent). The Vocational Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on February 28, 2015, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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2 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
3 violating of, or conspiring to violate any provision or term of this chapter. "

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5 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
6 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
7 evidence of the conviction."

8 8. Section 2878.8 of the Code states:

9 "The board may deny any application or may suspend or revoke any license issued under
10 this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure, suspension,
11 restriction, or other disciplinary action of a license by another state, any other government
12 agency, or by another California health care professional licensing board. A certified copy of the
13 finding shall be conclusive evidence of that action provided that, if from another state, the
14 findings establish an act which if committed in California would be grounds for discipline."

15 **REGULATORY PROVISIONS**

16 9. California Code of Regulations, title 16, section 2521 states, in pertinent part:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
18 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
19 considered to be substantially related to the qualifications, functions or duties of a licensed
20 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
21 vocational nurse to perform the functions authorized by his license in a manner consistent with
22 the public health, safety, or welfare."

23 **COST RECOVERY**

24 10. Section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crime)**

5 11. Respondent is subject to disciplinary action under section 2878, subdivision (f) and
6 490, in conjunction with California Code of Regulations, title 16, section 2521, in that on or about
7 January 11, 2011, she was convicted following her plea of guilty to one misdemeanor count of
8 violating Penal Code section 242 [Battery] in a criminal proceeding entitled *The People of the*
9 *State of California v. Artrese McKinley* (Super. Ct. San Bernardino County, Case No.
10 MCH901621). The circumstances surrounding the conviction are that on or about December 21,
11 2009, Respondent punched her daughter several times in the face which resulted in injury.
12 Respondent was subsequently arrested for violating Penal Code section 273d, subdivision (a)
13 [corporal injury to child] and her children were taken by Child Protective Services. Following
14 Respondent's plea, the Court ordered pronouncement of judgment withheld and granted
15 conditional and revocable release for a period of 36 months, subject to terms and conditions.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 12. Respondent is subject to disciplinary action pursuant to section 2878, subdivisions (a)
19 and (d), in that on or about December 21, 2009, Respondent committed acts constituting
20 unprofessional conduct. Complainant refers to and by this reference incorporates, the allegations
21 set forth above in paragraph 11, as though set forth fully.

22 **DISCIPLINARY CONSIDERATIONS**

23 13. To determine the degree of discipline, if any, to be imposed on Respondent,
24 Complainant alleges the following:

25 a. On or about March 3, 2004, a teacher at Colin L. Powell Academy called the Long
26 Beach Police Department when one of her student's came to school with a black eye on her right
27 eye and scratches on the left side of her face which the student attributed to her mother. When
28 Respondent was questioned, she admitted to hitting her daughter with a belt but denied

1 responsibility for her facial injuries. On or about February 9, 2005, pursuant to a subsequently
2 filed criminal matter entitled *The People of the State of California v. Artrese Lynnise McKinley*
3 (Super. Ct. Los Angeles County, Case No. 4LM01325), the Court ordered Respondent to
4 complete a 1 year Parenting and Counseling Program. Upon Respondent's completion of the
5 program, the Court dismissed the matter.

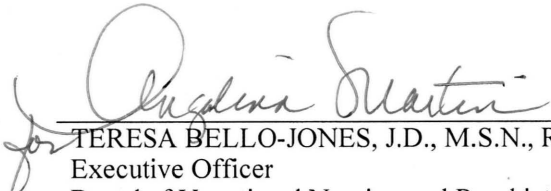
6 b. On or about November 29, 2000, after pleading nolo contendere, Respondent was
7 convicted of one misdemeanor count of violating Penal Code section 415 [fighting in a public
8 place] in a criminal proceeding entitled *The People of the State of California v. Artrese Lynnise*
9 *McKinley* (Super. Ct. Los Angeles County, Case No. OCM06571). As a result of the conviction,
10 the court sentenced Respondent to serve 6 days in Los Angeles County Jail and placed her on 12
11 months probation, subject to terms and conditions.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
15 issue a decision:

- 16 1. Revoking or suspending Vocational Nurse License No. VN 214104, issued to Artrese
17 Lynnise Mckinley;
- 18 2. Ordering Artrese Lynnise McKinley to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: May 30, 2013

for 
TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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